App. F IX-4

1935.36
(Mrs)

Mrs File No. 99-35

Serial Nos. 1 & 2

Previous References

1 & 2
Mrs W/L 156 33
M - 200 -8--1-0
Letter References -9-1-2
Regs Mrs 33 1"-1-2
Letter Ref - 117-39-1-2

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 & 2

Part B for November 1935

SUBJECT.

Chattram at Kanchakalkuppe, Tumkur Taluk and the Inam lands endowed therefor

No 627-28 9/ 4-11-35

WD 03607—GPB—22,500—2-8-35

The Deputy has been informed by Comptr

Directs that the proceeds from the Inam lands of the Chattram be credited to the Chattram Endowments

Letter No 224/36-38 of 12-7-1938 from the Inspector Commissioner stating that so far as the Inam lands are concerned the claim of the petitioner C.A. Krishna-Moorthy Mar.[illegible] is unalienable as alienation by means of a court sale which was without sanction of Government cannot be recognised & the orders already passed in this behalf require no reconsideration and requesting sanction to credit the lease amount refunded to Mercara to General Inam Fund until the lands are otherwise disposed of.

The Chairman Municipality is reported to be unfit to manage his affairs; it is also stated that it is not binding on Govt to maintain such an Institution. In these circumstances the Inspector proposed to credit the recalcitration of the Tenancy sale of the lands to G/M. Fund & This is for order —

G.O. 19/39 Govt. have undertaken to maintain the Chairman. in good repute of the sale proceeds of the inam lands endowed to it, which have been sold after cancelling their inam tenure. (Vide G.O. No. 750-3 dated 24th Nov. 1931). Mrg: 79-31-2 is a point for orders

NOTE—Contn. Sheet.

whether Govt. are justified in resuming the ~~[illegible]~~ inam lands of the chattram if they are not prepared to maintain the Chattram. Section 14 of the Religious and Charitable ~~[illegible]~~ Endowments Regulation seems to ~~contemplate that~~ ~~[illegible]~~ authorize Govt to undertake the management of any religious or charitable institution and its inam lands or other kinds of endowments only to maintain such institutions & to carry out the object for which such trust funds were created. (Vide the Statement of Objects and Reasons of the Inspector's Bill on this point). The policy of Govt. in regard to this point seems to remain unobserved. ~~[illegible]~~ The petitioner, Sri. V. A. Krishnamurthi Pandaram, requests the restoration of either Chattram or its inam lands to him.

Dr. 7-2-25.

In the circumstances explained by the M.C. his proposal to credit the lease amount to Govt during the period the lands are likely to be disposed of may be approved.

20/8/25

Gen: Secy)

Land Sec. for a note

Serial No.

1) According to para 4 of the DC's report dt 11-8-36 the donor does not seem to have relinquished his private rights over the Chattram. When the Inam lands are resumed for violation of the conditions of the grant, there will be no obligation for to maintain the institution which has fallen into disrepairs. The M.C.'s recommendation may therefore be accepted. The petr being an assignee of inam lands in Court action, to Cannot get a valid title to the properties passed according to the Inam Commr's notification dt:

61 Laws.

TSD 9/9

2) The chattram which is endowed with Dharmadaya inam lands is a muzarai institution. The Court sale of these lands is therefore invalid and under Sec 10 of Regn VII of 1927, the lands may be resumed summarily but after such resumption, they have to be restored to the institution. This is certainly not an alienation made prior to 31st day of Jan 1895 and consequently the Rules contained in the Chief Commr's Ns.4 of 1877 are not applicable (5-11

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7 35

File No. of 193 .

General and Revenue Secretariat

GENERAL DEPARTMENT
10 SEP 1935
Diary No.

fain this is not a case falling under the proviso to Sec 10 which empowers the inam tenure being Cancelled and full assessment imposed - I am therefore doubtful of the legality of the orders passed in G.O.s of 16-1-30 and 24-11-31. The Chattram being a Hindu institution, Govt could have made proper arrangements for its maintenance and upkeep by appointing Dharmadarsis under Sec 6 or by transferring the management under Sec 8.

It is only if the institution is not a Hindu institution that Sec 18 or Sec 20 of Chapter III can be held to apply; but even if they apply, the doctrine of cypres has to be followed in such cases and the properties have to be utilised for some object of a similar nature - The appropriation of such property for other purposes does not appear to be in accordance with law —

10 SEP 1935
276

Gen Secy)

10/9/35

Please bring up for discussion.

Sub

7/10

1/10/35

2.9

30/9

Serial No.

B.No. D 61/35
2.10.35
C 224/34-35

(1) Forwarded with compliments to the Muzarai Commissioner for favour of further remarks & suggestions, if any.

for Gen Secy to Govt
4/10/35

M. Office
C 224/345
22-10-35

(2) The provisions of the Religious and Charitable Institutions Regulation referred to by the Assistant Secretary, Law Section, would seem to apply to the alienation or mismanagement of properties belonging to institutions which are functioning. But in this case, the Chattram is defunct and the only action that could be taken was to resume the inams, as is done in the case of defunct temples. The doctrine of Cypres will be satisfied if the proceeds from the resumed lands are credited to the Chattram Savings Fund as has been done in the case of all abolished chattrams, instead of to the General Muzrai Fund as originally proposed by me, as the former Fund is utilised for purposes of a similar nature.

Returned with compliments.

18-10-1935. Muzrai Commissioner.

Action as proposed at 1 may be taken.

Asst Secy Muz with compts

WD 03594—GPB—80,000—18-7-35

Where is the Opn?
24/10/35

NOTE.—Contd. Sheet.

Law Secy w.c. for signature
25 Fee
24.10.35

24.10.35.

Law
24/10

The P W D might have been misplaced in the Mng Comm's office when the file was sent here. The Mng Br may be requested to ascertain and obtain the same

TSD 29/10

The P.W.D is not in the Law Dept

MM 29/10

Mer 29/

The P. W. D. Note just received from the Office of the M.C. is placed in the file and with reference thereto the Secretariat

G.S. 30/10

2) In view of the opinion of the M.C. & the Law Secretary Secretariat may be asked to credit the proceeds for the Vanniar lands to the Chattram Savings Fund. The Petr will be informed that his request cannot be considered

Gen: Secy)

Hm 1/11/35

4/11

Hm 2/11

1 NOV 1935 Z.L.8

OFFICE OF THE FINANCIAL ADVISER 4 NOV 1935 Rs. 3-3-0

Jpk 4/11

Hm 4/11

Hm 5/11

GS 7/11

Hm 11/11

TYPING SECTION 11 NOV 1935 GENL

Mis 3 File No. 99 of 193 5. [App. F. III—2

Serial No.	
2	G.O No 627–28 dy 14.11.1935 directing that the proceeds from the reserved land of the Chattram at Manchakal Kuppe may be credited to the Chattram savings fund.
	Endt No 629 dy 14.11.1935 to the petitioner Mr. V.A. Krishna Moorthy Mudaliar intimating that his request cannot be granted.
	No 630 dy 14.11.1935 to the Municipal Commissioner forwarding 3 Clrs Copy of the above.

B
21/11/35

WD 03594—GPB—30,000—13 7 35

TWO RUPEES

To

S.P. Rajagopalachariar Esq., B.A. B.L.
Member of Council, Govt.,of Mysore,

BANGALORE.

Petitioner:-

V.A. Krishnamurthy Mudaliar B,A. ,
Landlord, residing at "Leela" Malleswaram,
Bangalore.

The petitioner, abovenamed states as follows:-

1. That he purchased in court auction in O.S. No. 23 of 25-26, Ex,No, 83/29-30, in the court of the Sub-Judge, Bangalore, lands situate in Tumkur Taluk and given for the upkeep and maintenance of the Choultry known as " Arunachella Mudaliar's Choultry " situate at Manchakalkuppe, Tumkur Taluk.

2. That the Chattram which was the absolute property of the Inamdars of the village was to have vested in the Village Panchayet in consideration of half the Dharmadaya lands being given to the Inamdars and the other half being resumed by the Government and sold,and the sale proceeds thereof invested for the upkeep of the said Chattram . (Vide, G.O. No,15024. Muz., 209 - 28 - 10 d/ 16-1-30.) The then Inamdar would not agree to these conditions .

3. Subsequent thereto by letter No, C168/31-32 - d/- 26-9-31, there was a direction to resume all the lands. The conditions set forth in the Government order calling up on the Inamdar to pay 17. years' Assessment, resulted in great hardship to him as the lands were not worth the assessment that he was called upon to pay while he had to part with his Chattram for no consideration for advantage.

4. That he submits that the Government cannot both have the lands and the Chattram.

P. T. O.

The Chattram can no longer vest in the Government or the Village Panchayet when it has resumed the lands. He now learns that the lands aforesaid were put up for sale on 24-11-33.

5. That he therefore prays:-

(a) that the Chattram be ordered to be given to him , or

(b) that certain lands as may be agreed upon be given to him free from all encumbrances in consideration of his parting with the Chattram, or

(c) that compensation in the sum of Rs. 9000/- be ordered to be paid to him.

Bangalore:- Petitioner ,

C 1035 / 33-34

1039/Mug of 31/1/34

— forwarded with compliments to the Mugrai Commissioner for favour —

Mug

7470

PR 435/33-34

Rdrs 1035/33-34. 5/2/34

Urgent

memo

Forwarded with compliments to the Dy. Commr Tumkur Sir for favour of report on the points urged in the petition.

For Mugrai Commr

2.2.34

46 SECRETARIAT 5 JUL 1935 CIPHER 10

No. -35- OFFICE OF COMMISSIONER, IN

Encl

Dated Bangalore, 10th July 1935.

12

FROM

N. MADHAVA RAO, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore.

To

Rev 99-35-f

H. V. Ramaswami, Esq., L.A., B.L.,
Secretary to the Government of His Highness the Maharaja of Mysore,
General *Department.*

GENERAL SECRETARIAT 12 JULY 1

SIR,

Inam lands endowed to the Chattram at Kanchalkuppe in the Tumkur Taluk.

With reference to the Financial Secretary's Memo No.1039/Muz. dated 31-1-1934 forwarding for disposal the petition of Mr. V. A. Krishna Murti Mudaliar re: the above, I have the honor to forward herewith a copy of letter No.M.2187/33-34 dated 11th August 1934 received from the Deputy Commissioner, Tumkur District, submitting a report in the matter. I agree with the Deputy Commissioner that the Chattram building may not be interfered with. So far as the inam lands are concerned, the claim of the petitioner is untenable as alienation by means of a Court Sale which was without sanction of Government, cannot be recognised. The orders already passed in this behalf require no re-consideration. An endorsement will issue to the petitioner accordingly.

2. In G.O. No.750-3/Muz.79-31-2 dated 24-11-1931, it has been directed that the amount realised by the sale of the resumed lands be invested suitably so as to permit the interest accruing therefrom being utilized for the maintenance of the Chattram. In the altered circumstance of the case and in view of the fact that no responsibility devolves on Government to maintain the Chattram which has fallen into disrepairs and has become unfit for the use of travellers, I request sanction of Government to credit the lease amount to Rs.

uzrai Fund until the lands are rwise disposed of.

The entire file of vernacular papers is sent for reference.

I have the honor to be,

Sir,

Your most obedient servant,

Quzrai Commissioner.

7/33-34 dated 11-8-34 from the Deputy Commissioner, Tumkur to the Commissioner in Mysore

Subject: Affairs of the Chattram at Manchakalkuppe, Uralgere Hobli, Tumkur Taluk.

With reference to your No.N.Dis.1035/33-34 dated 5-2-1934 forwarding submission of a report, the petition from Mr. V. A. Krishnamurti Mudaliar, Landlord at "Leela", Malleswaram, Bangalore, in the matter of the Chattram building and its inam lands, I have the honor to state as follows.-

2. The chattram at Manchakalkuppe is endowed with the following 30 inam lands for its up-keep.

(a)	Baichapura	S.Nos.24, 25, 26, 27, and 31.
(b)	Ramanahalli	" 75, 78 and 83
(c)	Kethohalli	" 7
(d)	Palasandra	" 3, 8, 7, 5, 34, 22, 12, 21, 19, 14 and 16

The building having been neglected, fell into disrepairs and became unfit for the use of the travellers. The inamdars, Mrs. Parvathamma and Messrs Kasinatha Mudaliar and Arunachalla Mudaliar were issued notices several times to have the building repaired and maintained properly. Their continued negligence in the matter resulted in the Govt. passing an order of resumption of the inam lands and their disposal by public auction (the inam tenancy being cancelled) as the object of the endowment was frustrated. Vide your order No. D1 Dis.87/31-32 dated 5-12-1931. The inam lands were consequently advertised for sale during November 1933 as per orders of Govt. and sales were regularly held. But all these sales were cancelled on account of the present petition and instructions issued to lease out the lands tentatively till the question is disposed of. The lands have now been leased for Rs 315/- per year.

3. As regards the petition of Mr. V. A. Krishnamurti Mudaliar, it is seen that the lands endowed to the chattram are Dharmadaya inam, which are inalienable. The petitioner's contention that he purchased them in court auction in O.S. No.23/25-26 Ex.No.83/29-30 of the Sub Judge's Court, Bangalore, cannot be accepted, as the Civil Court has no jurisdiction to attach and sell the Devadaya lands. It is not clear from the records whether a notice was served on the Deputy Commissioner not before the court ordered the sale. The petitioner has not stated in his petition how he claims any right over the chattram building. He cannot claim the relief (b) and (c) prayed for in his petition before he succeeds in proving his right to the building.

4. In this connection, I wish to bring to your notice that interference of the Govt. in this affair could be only as regards the inam lands endowed to the chattram and not with the chattram building itself unless there is on record an agreement by the original donor relinquishing his private right over the building.

5. The entire file of correspondence on the subject and the c[illegible] Mr. V. A. Krishnamurti Mudaliar are herein enclosed for favour of and orders.

"C O P Y"

For Fuzzai Commissioner.

Diary No. of letter replied to .....

Section Mis 3

File No. 99-38

Serial No. 2

General and Revenue Secretariat

( )

the 193

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 14-11-1935.

Signed by Mr B. Nandakrishnaiya

Read— G O No 750-3 | Mis 79-31 dt 24/11/31 sanctioning the resumption of all the Dharmadaya Inam lands endowed for the benefit of the Chatrams at Kudy Tumkur Tk & their sale Order thereon.—No. by auction, the entire proceeds being invested suitably so as to furnish the interest accruing thereon being utilised for the maintenance of the Chatrams.

2) Correspondence

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette Kannada Part ?

of 12/11/35 from the P,
submitting a report on the
petn of the Dy V. A. Krishna
North Mudaliar residing at
Leela" - Malleswaram B-L-city
claiming certain lands in
the Chattram which he says
he purchased in Court auction
in O S no 23/25-26 Ex no 83/29-30
in the Court of the Subjudge Bangalore,
stating that he concurs with
the D.C. Mumbai that the
Chattram building may
not be interfered with,
that the claim of the
petr in respect of the
lands is unsustainable as
alienation by Court sale
which was without Jurisdiction
of Govt Cannot be recognised
That order is already passed
requires no reconsideration.

List of Enclosure

Copied by

Examined by

WD 0153—GPB—15,000—13-8-34

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

WD 0186—GPR—15,000—6 9-31

and ~~that~~ upheld in view of the fact that the responsibility devolves on Govt. to maintain the Chattram which has fallen into disrepair & has become unfit for the use of travellers, ~~requesting~~ Sanction to credit the lease amount to Govt Mercy Fund until the lands are otherwise disposed of.

Order — No 627-635

14-11-35

~~Govt~~ Govt are pleased to direct that the proceeds from the resumed lands of the Chattram at Manchnal Kuppe may be credited to the Chattram Savings Fund

11/11/35

for Govt Secy

To

The Mr. C. with records

The Comptr

Govt

GS III

The Rev

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNES THE MAHARAJA OF MYSORE

Read:-

Government Order No.750-3/Fuz. 79-31-2 dated 24th November 1931 sanctioning the resumption of all the hereditary Inam lands endowed for the benefit of the Chattram at Panchkalkuppe Tumkur Taluk and their sale by auction, the entire proceeds being invested suitably so as to permit the interest accruing therefrom being utilised for the maintenance of the Chattram.

P. Correspondence ending with letter No.124/34-35 dated 17th July 1935 from the Fuzrai Commissioner, submitting a report on the petition of Mr. A. Krishnamoorty Mudaliar residing at "Leela" Malleswaram, Bangalore City claiming certain lands of the Chattram which he says he purchased in court auction in O.S.No.7./25-26 Sx.No.83/2-30 in the Court of the Sub Judge, Bangalore, and stating that he concurs with the Deputy Commissioner, Tumkur that the Chattram building may not be interfered with that the claim of the petitioner in respect of Inam lands is untenable as alienation by Court sale which was without sanction of Government cannot be recognised that orders already passed require no reconsideration, and requesting in view of the fact that no responsibility devolves on Government to maintain the Chattram which has fallen into disrepairs and has become unfit for the use of travellers, sanction to credit the head amount to General Fuzrai Fund until the lands are otherwise disposed of.

Order No. 627-28 Fuz 99-35-2 End Records Dated, Bangalore, 1st November 1935.

Government are pleased to direct that the proceeds from the resumed lands of the Chattram at Panchkalkuppe may be credited to the Chattram Savings Fund.

By order,
Sd/- General Secretary to Government.

To
The Fuzrai Commissioner
with records,
The Comptroller to Government.

Please quote this number in your future communications.
No. 629

From G. R. S. Mun. Br. Bangalore

Dated 1st November 1935.

ENDORSEMENT.

Mr. V. A. Krishna Moorthy Mudaliar B.A.
Landlord, residing at "Leela" Yelleswaram Bangalore.

Reference:—His/~~Her letter~~/petition dated. Nil. received here on 22/11/35

Subject:—

Re: his claim in respect of certain lands of the Chattram at Manchanabele.

Reference is invited to item No 1 below.

B-O

Signature.

Designation. for Secy

D.P.) 25

---

*1. The request cannot be granted.

2. ~~The letter/petition has been referred to~~ ... for ...

3. Attention is drawn to this office No. ... dated ...

4. No. ... dated ... cannot be traced; a copy may be sent.

5. The enclosures are not received.

6. The petition is returned herewith as
   (i) it is not in the prescribed form
   or (ii) it is not duly stamped
   or (iii) it is not presented within the prescribed time
   or (iv) it is not accompanied by a copy of the order appealed from or complained of.

7. The petition is returned for presentation to ...

8. The petition is returned
   (*a*) as it is written illegibly
   (*b*) as its subject matter is not clear
   (*c*) as it is couched in ~~improper language~~

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*Reasons if any to be mentioned in brief.

WD 01724—GPE—8,000—23-4-23